

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

MIKE ZHUOWEI CHEN

Plaintiff,

v.

NATIONWIDE GENERAL INSURANCE  
COMPANY,

Defendant.

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CIVIL ACTION NO. \_\_\_\_\_

Jury Demand

**DEFENDANT, NATIONWIDE GENERAL INSURANCE COMPANY'S**  
**NOTICE OF REMOVAL**

Pursuant to 28 U.S.C. §§ 1441 and 1446, Defendant, NATIONWIDE GENERAL INSURANCE COMPANY ("Nationwide") files its Notice of Removal to the United States District Court for the Southern District of Texas, Houston Division, on the basis of diversity of citizenship and amount in controversy, and respectfully shows the following.

**I.**

**Factual Background**

1.1 On or about September 3, 2015, Plaintiff filed his Original Petition in a case styled *Mike Zhuowei Chen v. Nationwide General Insurance Company*, Cause No. 15-DCV-226164, pending in the 434th Judicial District Court for Fort Bend County, Texas.

1.2 Corporation Service Company ("CSC") received service of the Original Petition on Nationwide's behalf on September 10, 2015. Nationwide filed its Original Answer to the lawsuit on October 2, 2015.

1.3 Attached hereto are copies of the following documents:

- **Exhibit A:** The state court's Docket Sheet;
- **Exhibit B:** Plaintiff's Original Petition;
- **Exhibit C:** Citation served on Nationwide;
- **Exhibit D:** Nationwide General Insurance Company's Original Answer to Plaintiff's Original Petition; and
- **Exhibit E:** List of Parties and Counsel.

## II.

### **Basis For Removal**

2.1 Removal is proper based upon diversity of citizenship under 28 U.S.C. §§ 1332(a)(1), 1441(a), and 1446.

#### **A. Plaintiff is Diverse from Nationwide**

2.2 Upon information and belief, Plaintiff, Mike Zhuowei Chen, is and was a resident of the State of Texas.

2.3 Defendant, Nationwide, is incorporated under the laws of the State of Ohio with its principal place of business in Columbus, Ohio.

2.4 For the aforementioned reasons, complete diversity of citizenship exists between Plaintiff and Nationwide.

#### **B. The Amount in Controversy Exceeds the Jurisdictional Requirement for Subject Matter Jurisdiction**

2.5 As alleged in his Original Petition, Plaintiff seeks monetary relief between \$100,000 and \$200,000, or between \$200,000 and \$1,000,000. *See* Plaintiff's Original Petition, paragraph 4 (**Exhibit B**). Therefore, the amount in controversy exceeds the jurisdictional requirement for removal.

### III.

#### **The Removal is Procedurally Correct**

3.1 Nationwide first obtained notice of this lawsuit on September 10, 2015, when CSC received service of the Original Petition. Thus, Nationwide is filing this Notice within the 30-day time period required by 28 U.S.C. § 1446(b).

3.2 Venue is proper in this District and Division under 28 U.S.C. §1446(a) because this District and Division include the county in which the state court action has been pending and because a substantial part of the events giving rise to Plaintiff's claims allegedly occurred in this District and Division.

3.3 Pursuant to 28 U.S.C. §1446(a), all pleadings, process, orders, and all other filings in the state court action are attached to this Notice of Removal.

3.4 Promptly after Nationwide files this Notice of Removal, written notice of the filing will be given to Plaintiff pursuant to 28 U.S.C. §1446(d).

3.5 Promptly after Nationwide files this Notice of Removal, a true and correct copy of same will be filed with the Clerk of the Fort Bend County District Court pursuant to 28 U.S.C. §1446(d).

### IV.

#### **Conclusion**

4.1 Based upon the foregoing, the exhibits submitted in support of this removal, and other documents filed contemporaneously with this Notice of Removal, Defendant, Nationwide General Insurance Company, hereby removes this case to this Court for trial and determination.

Respectfully submitted,

THOMPSON, COE, COUSINS & IRONS, LLP

/s/ Jamie R. Carsey

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***COUNSEL FOR DEFENDANT -  
NATIONWIDE GENERAL INSURANCE  
COMPANY***

**CERTIFICATE OF SERVICE**

I hereby certify that on the 12th day of October 2015, a true and correct copy of the foregoing instrument was delivered to all known counsel of record in accordance with the Federal Rules of Civil Procedure and any applicable Local Rules, as follows:

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